

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 14

June 7, 2004

SUBJECT: SEX OFFENDER AGREEMENT TO APPEAR AND PROVIDE SPECIMENS, FORM 8.26.1 - ACTIVATED

PURPOSE: California law mandates that a person required to register as a sex offender, under the provisions of California Penal Code (PC) Section 290, must provide blood and saliva specimens as well as a thumb and palm print, for law enforcement identification analysis. This requirement extends to sex offenders released prior to the enactment of the State's deoxyribonucleic acid (DNA) and forensic identification database. Additionally, Section 296.2 PC requires that in those instances where such specimens have been provided but were unusable, the registrant must again provide the required samples.

This Order activates the Agreement to Appear and Provide Specimens, Form 8.26.1, and provides direction to Registration Enforcement and Compliance Team (REACT) officers.

PROCEDURE:

I. AGREEMENT TO APPEAR AND PROVIDE SPECIMENS, FORM 8.26.1 - ACTIVATED. The Agreement to Appear and Provide Specimens, Form 8.26.1, is activated.

A. Use of Form. The form is used to ensure that Section 290 PC (sex offender) registrants are scheduled to provide the required specimens at the date, time and location specified.

B. Completion. The form shall be completed by the interviewing REACT officer.

C. Distribution.

1 - Original, filed in the "Monthly DNA Appointment" file.

1 - Copy, Registrant.

2 - TOTAL

II. EMPLOYEE RESPONSIBILITY. When a sex offender reports to an Area for registration, employees shall refer the registrant to the geographic bureau REACT unit.

Exception: When a sex offender reports to an Area that maintains a REACT unit, employees shall refer that registrant to the Area detective division.

III. BUREAU REACT UNIT RESPONSIBILITY. When a sex offender reports for registration, the investigating REACT officer shall identify the registrant and complete the registration procedure in accordance with Operational Order No.4, dated June 10, 2002.

During the registration process, the investigating REACT officer shall determine whether the registrant has met the requirements of sections 296(a)(1) PC or 296.2 PC, providing the appropriate specimens. If the registrant has not, the REACT officer shall:

- * Remind the registrant of the requirement to provide specimens as documented on the signed Department of Justice (DOJ) Form SS-8102 or in Section 296.2 PC;
- * Arrange an appointment to provide samples with the Los Angeles County Sheriff's Department (LASD) DNA Collection Site [(213) 473-1706 or 473-1707];
- * Complete the Agreement to Appear and Provide Specimens, Form 8.26.1;
- * Request the registrant to sign the Agreement and provide a right thumbprint. Provide a copy of the signed Agreement to the registrant, then place the Agreement and a copy of the DOJ Form SS-8102 in the "Monthly DNA Appointment" file;
- * If the registrant refuses to sign the Agreement, ask for a detective/REACT supervisor (or other supervisor if a detective supervisor is unavailable) to repeat the request for the registrant to sign the form and provide a thumbprint;
- * If the registrant continues to refuse to sign the Agreement, provide him or her with a copy of the unsigned Agreement and inform the registrant that the law requires that the appointment be kept and the specimens be provided. Failure to provide specimens will result in prosecution under Section 298.1 PC as stated on the Agreement; and,
- * Document the refusal, the warning and all relevant information, including the name and serial number of the supervisor, on an Employee's Report, Form 15.7. Place the Agreement, Employee's Report and a copy of the registrant's DOJ Form SS-8102 in the "Monthly DNA Appointment" file.

Note: Area REACT units, if available, shall be responsible for completing the above mentioned tasks.

IV. REACT UNIT SUPERVISOR'S RESPONSIBILITY. REACT supervisors shall:

- * Establish a simple "Monthly DNA Appointment" file;
- * Ensure that the file is routinely examined for appointment due date compliance by contacting the LASD DNA Collection Site [(213) 473-1706 or 473-1707]; and,
- * If the appointment was kept and specimens were provided, place the Agreement to Appear and Provide Specimen form in the registrant's Area file and no further action is required.

Note: If the appointment was not kept or specimens were not obtained for any reason, ensure that a complaint is filed with the City Attorney using the Complaint Application, Form 5.15.

FORM AVAILABILITY: The Agreement to Appear and Provide Specimens, Form 8.26.1, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days. A copy of the form is attached for duplication and use until available for ordering.

AMENDMENTS: This Order amends Section 2/725.09 and adds Section 5/8.26.1 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "A"